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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tomotoshi SENO^H et al.
Title: SEAT WEIGHT MEASURING DEVICE
Appl. No.: 10/822,706
Filing Date: 4/13/2004
Examiner: Kayes, Sean Phillip
Art Unit: 2833
Confirmation No.: 2928

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the New Pre-Appeal Brief Conference Pilot Program, announced July 11, 2005, this Pre-Appeal Brief Request is being filed together with a Notice of Appeal.

REMARKS

The Final Office Action that was mailed on May 25, 2007 has been reviewed and the Examiner's comments have been carefully considered. Claims 1-13 stand rejected and are submitted for reconsideration.

Anticipatory rejection based on Cooper

Claims 1-2, 4-8, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,448,512 ("Cooper"). The rejection should be withdrawn because Cooper fails to disclose, teach, or suggest the claimed invention.

For example, claim 1 recites one support point, a load sensor, a sensor support, a resilient member, and a sensor plate. In the Final Office Action, it is asserted that the pin 66 of Cooper is the one support point, the sensor 80 is the load sensor, and the elastomer body 45 is the sensor support. (Paragraph 3 of the Final Office Action.) It is further asserted that the

lever 70 of Cooper is the resilient member and that either the lower surface 71 of the lever 70 or the part 78 of the lever 70 is the sensor plate. *Id.*

When interpreting any term in the claim, that interpretation should be reasonable. The MPEP states that “[d]uring patent examination, the pending claims must be ‘given their broadest reasonable interpretation consistent with the specification.’” (MPEP 2111.) Also, “[t]he broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach.” *Id.*

In this case, the interpretation of the resilient member and the sensor plate is not reasonable because the lever 70 of Cooper has been interpreted to be two different and distinct claim elements: the resilient member and the sensor plate. It is improper to use the same lever in Cooper to satisfy two different elements. Because Cooper does not teach a resilient member and a sensor plate that are two distinct and separate elements, claim 1 is not anticipated by Cooper, and the rejection should be withdrawn.

Claim 7 recites a base with two side plates, an arm rotatably supported by the side plates of the base via a base pin, a pin bracket, and a load sensor. In the Final Office Action, it is asserted that the floor pan 16 of Cooper is the base, the support mounts 60 are the side plates, the lever 70 is the arm, the pin 66 is the base pin, the bushing 92 is the pin bracket, and the sensor 80 is the load sensor. (Paragraph 8 of the Final Office Action.) This rejection is improper for at least the following reasons. First, claim 7 requires that the arm be rotatably supported by the two side plates of the base, and the lever 70 of Cooper is not supported by both mounts 60 by a pin but is merely supported by one mount via the pin 66. Accordingly, the lever 70 of Cooper cannot be considered the arm of claim 7 because the lever 70 is not rotatably supported by two side plates of the base via a base pin.

Second, the bushing 92 of Cooper has been interpreted as the pin bracket. Such an interpretation is unreasonable, contrary to MPEP 2111 (see above). A bushing is known by one with ordinary skill in the art to be a removable cylindrical lining for an opening (as of a mechanical part) used to limit the size of the opening, resist abrasion, or serve as a guide. The bushing 92 of Cooper is consistent with this meaning as the bushing 92 engages the lever 70 and the second support pin 46 of the vehicle seat frame 42 for facilitating the relative rotation between the lever 70 and the seat frame 42 (i.e., resists abrasion for the rotation). (Column 2, lines 50-53 of Cooper.) In contrast, a pin bracket would be known in the art to

mean a member or fixture that projects from a structure and is designed to support a load. In this case, the bushing 92 of Cooper simply does not support a load but merely facilitates relative rotation between the lever 70 and the seat frame 40. Thus, the bushing 92 is not considered by one with ordinary skill in the art to be a pin bracket, and such an interpretation is unreasonable.

Finally, the bushing 92 of Cooper cannot be interpreted to be the pin bracket because claim 7 requires the pin bracket to be “in communication with the arm via a bracket pin.” In contrast, the bushing 92 of Cooper is not in communication with the lever 70 via the support pin 46 (as asserted in paragraph 8 of the Final Office Action) but the bushing 92 is in direct communication with the lever 70 of Cooper. (See Fig. 2 of Cooper.) Thus, the bushing 92 of Cooper does not satisfy all the features of the pin bracket of claim 7.

For at least these reasons, claim 7 is not anticipated by Cooper, and the rejection should be withdrawn.

Dependent claims 2, 4-6, 8, and 10 depend from either claim 1 or claim 7, and are allowable therewith for at least the reasons set forth above without regard to the further patentable limitations contained therein.

Reconsideration and withdrawal of the rejection based on 1-2, 4-8, and 10 are respectfully requested.

Obviousness rejection based on Cooper and Aoki ‘444

Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper in view of U.S. Patent 6,323,444 (“Aoki ‘444”). Claim 3 depends from and contains all the features of claim 1. Cooper does not teach a resilient member and a sensor plate that are two distinct and separate elements. Aoki ‘444 does not cure this deficiency. Thus, any combination of Cooper and Aoki ‘444 does not teach or suggest all the features of claim 1, and the rejection should be withdrawn.

Claim 9 depends from and contains all the features of claim 7. Cooper does not teach or suggest an arm rotatably supported by the side plates of the base via a base pin or a pin bracket in communication with the arm via a bracket pin. Aoki ‘444 does not cure these deficiencies. Thus, any combination of Cooper and Aoki ‘444 does not teach or suggest all the features of claim 7, and the rejection should be withdrawn.

Obviousness rejection based on Cooper and Aoki '325

Claims 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cooper in view of U.S. Patent 6,069,325 ("Aoki '325"). Claims 12-13 depend from and contains all the features of claim 7. Cooper does not teach or suggest an arm rotatably supported by the side plates of the base via a base pin or a pin bracket in communication with the arm via a bracket pin. Aoki '325 does not cure these deficiencies. Thus, any combination of Cooper and Aoki '325 does not teach or suggest all the features of claim 7, and the rejection should be withdrawn.

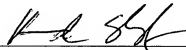
CONCLUSION

For the aforementioned reasons, claims 1-13 are in condition for allowance. A Notice of Allowance at an early date is respectfully requested. The Examiner is invited to contact the undersigned if such communication would expedite the prosecution of the application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 8/9/2007

By 

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